

## ANALYSIS AND FINDINGS FOR TREE PLAN II USE APPROVAL

### Major Issues

1. No major issues were identified with respects to the Tree Plan II application. This application is part of a larger Planned Unit Development. In order to approve the Tree Plan II application, all other associated applications need to be approved.

***Section 40.90.15.2.C lists the criteria in order to approve a Final Planned Unit Development Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:***

***Criterion 1: The proposal satisfies the threshold requirements for a Tree Plan Two application.***

### Facts and Findings:

The intent of this criterion is to ensure the proposed project meets the threshold listed in Section 40.90.15.2.A.1-3. The proposal meets this requirement by being consistent with threshold #3, which states that an application for Tree Plan II shall be required when the following threshold applies:

“Removal of five (5) or more Community Trees within a one calendar year period on properties more than one-half acre in size.” Therefore, the application follows the Tree Plan II application procedure.

The applicant is requesting to remove approximately 50 total trees from the above referenced property which is approximately 2.78 acres in size. The site is currently under review for a Conditional Use Permit (CU2004-0021), Land Division (LD2004-0030) and Flexible Setback (FS2004-0017) application at this time. All four applications will be reviewed concurrently and heard at one public hearing with the decision-making authority being the Planning Commission, pursuant to Section 50.15.2 of the Development Code.

Therefore, staff find that the proposal meets the criterion for approval.

***Criterion 2: All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

The intent of this criterion is to ensure that all fees have been paid to the City before a full review can proceed. According to city finance records, the applicant paid with a check (#18591) in the amount of \$460.00 to the City to have the proposed project review for compliance with the Development Code. The City issued receipt number 20045151 to verify payment.

**FINDING:** Therefore, staff find that the proposal meets the criterion for approval.

***Criterion 3: If applicable, pruning of any tree or removal of a landscape, street, or community tree is necessary to enhance the health of the tree, grove, group of trees, or an adjacent tree or to eliminate conflicts with structures or vehicles.***

Facts and Findings:

**FINDING:** This application is being filed in order to remove the community trees for the development of the site. The trees are located in areas where building envelopes have been established. The removal of the trees is required to eliminate any possible conflicts with the proposed structures to be located in the subdivision. The applicant has proposed to save four trees on the west property line of proposed lot #10. The applicant also proposes to save 10 trees within the boundary of Tract "C". Trees, not scheduled for removal, in proposed lot #10 and tract "C" be protected and remain after the project has been built as a condition of approval. If the trees are damaged during construction and are not able to be saved, staff will review the damaged trees and make a determination if the trees will be removed.

All other trees which are shown to remain will be condition to remain, unless the building design is such that trees will not survive the construction process.

**FINDING:** Therefore, staff find that the proposal meets the criterion for approval.

***Criterion 4: If applicable, it is necessary to remove diseased of landscape, street, or community trees or trees weakened by age, storm, fire, or other condition.***

Facts and Findings:

The applicant has not stated that the trees scheduled for removal are diseased or weakened by age, storm, fire, or other conditions. Staff has determined that this criterion is not applicable to the overall application.

**FINDING:** Therefore, staff find that the criteria are not applicable.

***Criterion 5: If applicable, pruning of any tree or removal of a landscape, street, or community tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.***

Facts and Findings:

The applicant has not stated that the trees scheduled for removal is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject. Staff has determined that this criterion is not applicable to the overall application.

**FINDING:** Therefore, staff find that the criteria are not applicable.

***Criterion 6: If applicable, pruning of any tree or removal of a landscape, street, or community tree is necessary to accommodate development where no reasonable alternative exists for the development at another location on the site, or where variances to setback provisions of this Code will cause other undesirable circumstances on the site or adjacent properties if the tree is saved.***

Facts and Findings:

The applicant states that an analysis has been conducted determine the best possible combination to balance the need to meet minimum density requirements and at the same time preserve the trees in the best possible location. As a result, the applicant has submitted a plan where trees will be saved on Tract “C” and trees will be saved on the western property line of proposed lot #10.

Therefore, staff find that the proposal meets the criterion for approval.

***Criterion 7: If applicable, removal of a landscape tree or street tree or pruning of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.***

Facts and Findings:

The applicant has not stated that the trees scheduled for removal have become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.

**FINDING:** Therefore, staff find that the criteria are not applicable.

***Criterion 8: If applicable, removal of landscape, street, or community tree is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.***

Facts and Findings:

**FINDING:** This application is being filed in order to remove the community trees for the development of the site. The trees are located in areas where public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety. The removal of the trees is required to eliminate any possible conflicts with the proposed improvements are to be located in the subdivision. The applicant has proposed to save four trees on the west property line of proposed lot #10. The applicant also proposes to save 10 trees within the boundary of Tract "C". Trees, not scheduled for removal, in proposed lot #10 and tract "C" be protected and remain after the project has been built as a condition of approval. If the trees are damaged during construction and are not able to be saved, staff will review the damaged trees and make a determination if the trees will be removed.

All other trees which are shown to remain will be condition to remain, unless the building design is such that trees will not survive the construction process.

**FINDING:** Therefore, staff find that the proposal meets the criterion for approval.

***Criterion 9: Removal of a tree or grove shall not increase erosion or any resulting erosion shall be controlled consistent with City and Clean Water Services regulations.***

Facts and Findings:

The tree plan, as proposed by the applicant, will not increase erosion on the site in the context of the overall development. All areas to be developed will utilize erosion control devices consistent with Clean Water Services.

Therefore, staff find that the proposal meets the criterion for approval.

***Criterion 10: Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Facts and Findings:

The intent of this criterion is to ensure the proposed project submits all the proper development applications on the proper sequence. The applicant has submitted all the required information for the Tree Plan II application. This review process is a required step to receive City approval for the applicant's proposal to build a fifteen lot Planned Unit Development while saving four trees on the west property line of proposed lot #10 and the 10 trees within the boundary of Tract "C". The applicant has submitted three additional applications; Conditional Use Permit CU2004-0021, Land Division LD2004-0030 and FS2004-0017. The Planning Commission will review all four applications at one public hearing. All documentation and applications have been submitted to the City of Beaverton in the proper sequence.

**FINDING:** Therefore, staff find that the proposal meets the criterion for approval.

**SUMMARY OF FINDINGS:** Staff find that the request for Tree Plan II approval for the PUD is supported within the approval criteria findings for Chapter 40, Section 90.15.2.C. Staff recommend that the Commission review the project in its entirety to determine if the proposal meets this criterion based on the staff report and testimony during the public hearing.

The Committee met on December 8, 2004, and have provided findings, and recommended conditions of approval to meet the necessary technical criteria identified in Section 40.03 of the Development Code. Based on the facts and findings presented, the Director concludes that the proposal, TP2004-0018 Garden Grove Tree Plan II, meets the criteria.

### **RECOMMENDATION**

Based on the facts and findings presented, staff recommend **APPROVAL** of **TP2004-0018 (Garden Grove Planned Unit Development Tree Plan)**, subject to the applicable conditions identified in Attachment F.